

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Andrew Walker Jr.

Write the full name of each plaintiff.

____ CV ____
(Include case number if one has been
assigned)

-against-

Monica Rich Kosann

COMPLAINT

Do you want a jury trial?

☐ Yes ☐ No

Write the full name of each defendant. If you need more
space, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of
names. The names listed above must be identical to those
contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

- ☐ Federal Question
- ☒ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Andrew Walker jr., is a citizen of the State of
(Plaintiff's name)

California

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

_____.

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, Monica Rich Kosann, is a citizen of the State of
(Defendant's name)

New York

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If the defendant is a corporation:

The defendant, Monica Rich Kosann, is incorporated under the laws of
the State of New York

and has its principal place of business in the State of New York

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in New York.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>Andrew</u>	<u>Walker jr.</u>
First Name	Last Name
<u>4055 Lafayette Place apt. 9</u>	
Street Address	
<u>Culver City</u>	<u>ca. 90232</u>
County, City	State Zip Code
<u>310.425.6206</u>	<u>walkerfellers1@aol.com</u>
Telephone Number	Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: Monica Rich Kosann Kosann
 First Name Last Name
CEO
 Current Job Title (or other identifying information)
10 Columbus Ground Fl
 Current Work Address (or other address where defendant may be served)
New York NY 10019
 County, City State Zip Code

Defendant 2: _____
 First Name Last Name

 Current Job Title (or other identifying information)

 Current Work Address (or other address where defendant may be served)

 County, City State Zip Code

Defendant 3: _____
 First Name Last Name

 Current Job Title (or other identifying information)

 Current Work Address (or other address where defendant may be served)

 County, City State Zip Code

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

See attached complaint

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

05/24/2023

Dated		Plaintiff's Signature	
Andrew		Walker jr.	
First Name	Middle Initial	Last Name	
4055 Lafayette Place apt. 9			
Street Address			
Culver City	Ca.	90232	
County, City	State	Zip Code	
310.425.6206		walkerfellers1@aol.com	
Telephone Number		Email Address (if available)	

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

IN THE UNITED STATES DISTRICT COURT
FOR THE ~~Southern~~ DISTRICT OF *New York*

ANDREW WALKER

Plaintiff,

v.

MONICA RICH KOSANN

Defendants.

Case No.

Judge:

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Andrew Walker complains against the Defendant Amazon Advertising LLC as set forth below.

NATURE OF THE ACTION

1. This is an action for patent infringement and arises under the patent laws of the United States, codified in Title 35 of the United States Code.

THE PARTIES

2. Plaintiff Andrew Walker is an inventor with inventions and business projects involving said inventions in connection with his company Walkerfeller Investors LLC having its principal place of business at [REDACTED]
3. Upon information and belief, MONICA RICH KOSANN a [REDACTED] Limited Liability Company having its principal place of business at [REDACTED]

JURISDICTION AND VENUE

4. This is a patent infringement case, and this Court has subject matter jurisdiction under 28 U.S.C. section 1331 and 28 U.S.C. section 1338(a).
5. Venue in this judicial district is appropriate based on 28 U.S.C. sections 1391 (b) (c), and 1400(b), in that the Defendants do business in this district and have sold infringing products via internet commerce in this district.


BACKGROUND FACTS


6. Plaintiff, Andrew Walker is a product developer/inventor and owns Walkerfeller Investors LLC a business that, among other things, creates, originates, offers for sale, and sells unique aroma fragrant products in the home and garden markets, on the boardwalk of Venice Beach, and throughout the United States. Andrew Walker primarily sells its products via on the boardwalk of Venice Beach, located in the State of California or on line. This product line includes a number of types of aroma fragrant dispensers.

This line of fragrant dispensers are covered by Andrew Walker's U.S. design patents.

These fragrant dispenser's products include, as a common feature, a genie bottle structure.

7. Several of Andrew Walker's genie Bottle sculptures designs are within the scope of United States Design Patent No. D593,191, entitled "Fragrant Oil Burning Lamp", which issued from the United States Patent and Trademark Office (USPTO") on May 26, 2009, to inventor Andrew Walker. A copy of the Patent is attached to this Complaint as Exhibit A.
8. On information and belief, MONICA RICH KOSANN commercializes the same types of products

as Andrew Walker and Walkerfeller Investors LLC, namely decorative genie bottle product in the Online and retail Jewelry, and art markets, in direct competition with Andrew Walker and his company Walkerfeller Investors LLC. Specifically, and particularly relevant to this action, MONICA RICH KOSANN has engaged in the creation, the use, the importing, the offering for sale, and the sale of a product line that has a genie bottle Jewelry. This product line can be commonly described as a Genie Bottle/ Jeannie Bottle, and is reflected by products marketed under the names "Genie Bottle" and "Jeannie Bottle", as shown in Exhibits , respectively (collectively "Infringing Products"). Upon further information and belief, activities with respect to these Infringing Products, and possible other products, infringe Andrew Walker's rights under the Patent. Upon further information and belief, MONICA RICH KOSANN distributes, produces, sells, and/or offers for sale these Infringing Products in this judicial district, via internet commerce or other means in this judicial district, has substantial and continuous contacts with this judicial district, and conducts systematic business in this judicial district.

Upon information and belief, MONICA RICH KOSANN has sold and continues to sell, and has offered for sale and continues to offer for sale Infringing Products, including the Genie Bottle/Jeannie Bottle product shown in Exhibit .

COUNT I –PATENT INFRINGEMENT

9. Plaintiff Andrew Walker, expressly incorporates by reference the allegations of paragraphs 1-8, as though fully set forth herein,
10. On information and belief, MONICA RICH KOSANN has infringed and continues to infringe, and has induced others to infringe and/or contributed to the infringement of the Patent, by its manufacture, use, offering for sale, sale and/or importation into the United States of the above

10a. On or about December, 28, 2021, during Plaintiff's investigation of the Defendant's infringement, Plaintiff's emailed the Defendant to inquire about the Genie necklace style pendant that they were offering for sell. As Exhibit "A"-E.

10b. Defendant informed Plaintiff that they in fact still offer for sell the Genie necklace style pendant which in direct violation of the patent that Plaintiff holds with the U.S. patent office.

10c. On or about January 23, 2023, Plaintiff sent to Defendant a Cease and Desist letter in order to stop the infringement but Defendant stills encourage it's vendor to sell, distribute, and market the "Genie Bottle Necklace. As Exhibit "F"

described Infringing Products.

11. Plaintiff Andrew Walker has notified MONICA RICH KOSANN that this activity infringes on Andrew Walker's rights, but MONICA RICH KOSANN response did not indicate that the infringing activity would be stopped. For these and other reasons, the Defendants' acts of patent infringement complained of herein are being carried out willfully and willfull knowledge of Andrew Walker's rights in the Patent.
12. As a result of Defendants actions, Andrew Walker and his business Walkerfeller Investors LLC has suffered and continues to suffer substantial injury, including irreparable injury and monetary damage, including loss of sales and profits, which Andrew Walker would have made but for the acts of infringement by the Defendants. Such injury and damage to Andrew Walker will continue unless the Defendants are enjoined by this Court from further infringement.

PRAYER FOR RELIEF

WHEREFORE, Andrew Walker prays for the following relief against Defendant.

- A. That a judgment be entered against Defendant, that the Defendant has infringed, induced others to infringe, and/or contributed to the infringement of United States Design Patent No. D593,191 .
- B. That Defendant, its agents, sales representatives, servants and employees, associates, attorneys, parents, successors and assigns, and any and all persons or entities acting at, through, under or in active concert or participation with any or all of them, be enjoined and permanently restrained from further infringing United States Design Patent No. D593,191.
- C. That a judgment be entered requiring each Defendant to pay to Andrew Walker monetary

damages sustained by Andrew Walker due to such acts of infringement, including lost profits or reasonable royalty under 35 U.S.C. section 284, or alternatively, the Defendant's total profit under 35 U.S.C. section 289.

- D. If Andrew Walker's monetary recovery occurs under 35 U.S.C. section 284, that such damages payable to Andrew Walker be trebled under 35 U.S.C. section 284 for willful infringement.
- E. That this case be adjudged and decreed exceptional under 35 U.S.C. section 285, and that Andrew Walker be awarded its reasonable attorney fees.
- F. That Andrew Walker be awarded costs and prejudgment interest on all damages.
- G. And that Andrew Walker be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Andrew Walker hereby demands and request trial by jury of all issues raised that are triable by jury.

Respectfully Submitted,

s/ Andrew Walker /Pro Se

2023 May 25

2023 May 25

2023 May 25